

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION**

**GLENN LANCON**

**CIVIL ACTION NO. 07-0891**

**VS.**

**JUDGE HAIK**

**AIG AMERICAN INT'L  
COMPANIES  
AMERICAN HOME ASS'N CO.  
LANDSTAR RANGER, INC.  
MICHAEL A. MACKEY**

**MAGISTRATE JUDGE METHVIN**

**RULING ON JURISDICTIONAL AMOUNT**

Before the court is the Response to Court Order Requiring Submission on Jurisdictional Amount filed by defendants Michael Mackey, Landstar Ranger, Inc., American Home Ass'n Co., and AIG International Companies pursuant to this court's order of May 27, 2008 (Rec. Doc. 17). Plaintiff has not filed a response.

Having reviewed defendants' memorandum and the exhibits thereto, I conclude that defendants have proven by a preponderance of the evidence that the amount in controversy exceeds \$75,000 by setting forth the specific facts in controversy that support a finding of the jurisdictional amount. Simon v. Wal Mart Stores, 193 F.3d 848 (5<sup>th</sup> Cir. 1999); Luckett v. Delta Airlines, Inc., 171 F.3d 295 (5<sup>th</sup> Cir. 1999). Relevant jurisdictional facts which have been included in the memorandum discuss the nature and severity of plaintiff's injuries, including the following: nerve root irritation at L5 and a schmorl's noted at L3-4 with irregularity of the end plate; post traumatic lumbar pain syndrome, possible sacroiliac joint injury to the left, and a contusion to his left hip and thigh. Plaintiff underwent injections into his left hip on February 14, 2007. Plaintiff testified that he has been told he would have to live with the pain. Plaintiff's counsel contended in a demand letter that plaintiff was treated from April 17, 2006 through


October 29, 2007, or eighteen months, and the Third Circuit mandates that the lowest award plaintiff could receive for an eighteen month soft tissue injury with invasive treatment exceeds \$75, 000 plus specials.

Defendants has included citations to cases involving similar injuries wherein the awards exceed the jurisdictional amount. See, e.g., Bergez v. Simmons, 557 So.2d 444 (La. App. 5<sup>th</sup> Cir.1990); Collier v. Benedetto, 897 So.2d 775 (La. App. 5<sup>th</sup> Cir. 2005).

Defendants are currently aware of medical expenses of \$4,958.00. Plaintiff is also claiming he missed two weeks of work due to the accident which amounts to approximately \$2,500.00 according to defendants.

In light of the foregoing, the undersigned concludes that the jurisdictional amount has been established and an order of remand would not be appropriate.

Signed at Lafayette, Louisiana, on October 7, 2008.



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Mildred E. Methvin  
United States Magistrate Judge  
800 Lafayette St., Suite 3500  
Lafayette, Louisiana 70501  
(337) 593-5140 (phone) 593-5155 (fax)